

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

IN RE: APPLICATION FOR CONTINUED  
EXEMPTION FROM THE ELECTRONIC PUBLIC  
ACCESS FEES BY JONAH BERGER

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Administrative Order  
No. 22-MS-030

This matter is before the Court upon the application and request by Jonah Berger for exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts.

The Court finds that Jonah Berger, a professor at the University of Pennsylvania, falls within the class of users listed in the fee schedule as being eligible for a fee exemption. Additionally, Berger has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

Accordingly, Berger shall be exempt from the payment of fees for access via PACER to the electronic case files maintained in this Court, to the extent such use is incurred in the course of conducting a study on how the language lawyers use impact the decisions juries reach. Specifically, Berger anticipates using trial transcripts and case outcomes from 15,000 cases nationwide so that the sample will be large enough to generate statistically significant conclusions. Berger will focus on the language used during arguments made by lawyers in each case and identifying the case outcomes. He will then use this information to draw conclusions about whether and how the language used impacts jury decisions.

Berger shall not be exempt from the payment of fees incurred in connection with other uses of the PACER system in this Court. Additionally, the following limitations apply:

1. This fee exemption applies only to Berger (PACER Account #6710677), and is valid only for the purposes stated above;
2. This fee exemption applies only to the electronic case files of this Court that are available through the PACER system;
3. By accepting this exemption, Berger agrees not to sell or otherwise use for profit any data obtained as a result of receiving this exemption;
4. Berger is prohibited from transferring any data obtained as a result of receiving this exemption, including redistribution via internet-based databases;
5. **This extends Administrative Order 21-MS-020 to March 21, 2023 in order to allow Berger to gather the needed data.**

This Order may be revoked at the discretion of the Court at any time. A copy of this Order shall be sent to the PACER Service Center.

IT IS SO ORDERED.

FOR THE COURT:



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ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE

Dated: May 6, 2022